

REMARKS

Claims 1 to 39 are pending in the present application. Claims 30 and 31 have been amended for which there is support in the specification, claims and drawings as originally filed.

Reconsideration of the Examiner's decisions and reexamination of this application are respectfully requested.

Claim objections:

I. Claim 30 was objected to because of alleged insufficient antecedent basis for the limitation "said computer program product".

Claim 30 has been amended by changing the language to read "said physical computer program product" which should overcome the above objection.

II. Claims 27 and 30 have been objected to because there is alleged to be insufficient antecedent basis in the description.

Regarding claim 27, the language tracks exactly to what is written at paragraph [0038], lines 1-8, of Applicants' published patent application.

Regarding claim 30, "computer readable medium" has been changed to "computer usable medium" which tracks exactly with what is written at paragraph [0038], lines 8-12, of Applicants' published patent application.

The §102 rejections:

Claims 31, 36 and 37 have been rejected by the Examiner under 35 USC §102(e) as being anticipated by U.S. Patent 7,092,699 (hereafter "Hefter").

To further clarify Applicants' invention, Applicants' have positively recited a home network. As Applicants' will explain hereafter, the Examiner has failed to state a *prima facie* case of anticipation because Hefter fails to disclose at least a telephone modem and a home network.

Regarding claim 31, there are several features that are not shown or taught by Hefter. The Examiner alleges that Hefter teaches an apparatus that attaches on a home network for a user using a client device attached to a wireless, circuit-switched, voice telephony network, to interact with at least one service on said home network. There is no home network shown in Hefter nor does Hefter show any device attached to a home network. The Examiner is respectfully requested to point to any part of Hefter that explicitly shows or mentions a home network. Hefter is concerned with synchronizing the memory of a wireless telephone with a networked computer over a wireless link. There is nothing in Hefter to suggest in any way that the teachings therein are applicable to a home network or that there is any interaction with a service.

The Examiner further alleges that Hefter discloses a telephone modem to directly receive an incoming call from a client device and references the multiplexer/demultiplexer described at col. 9, lines 33-57 of Hefter for support. This reference is to the various apparatus that make up the PSTN as shown in Figures 1 and 6 of Hefter. There is nothing in this portion of Hefter relating to a telephone modem. As shown in Figure 6, multiplexer 142 is part of the PSTN 110. Again, multiplexer 142 is not a modem. Assuming *arguendo* that multiplexer 142 is a modem, any calls from a wireless device are first received by a CTI server (see step 1020 in Fig. 10) before it goes to the multiplexer while Applicants claim "a telephone modem to directly receive an incoming call from the client device..." [emphasis added].

The Examiner further alleges that Hefter discloses a dial-in service module to implement dial-in logic and a protocol transport module to implement protocols and points to col. 7, lines 1-20 of Hefter. Again, the Examiner is pointing to features which are part of the PSTN which Applicants are not claiming.

For all of the above reasons, Hefter cannot anticipate Applicants' claim 31.

Inasmuch as claims 36 and 37 depend from claim 31, and since claim 31 is believed to be patentable, then claims 36 and 37 should be patentable as well. No independent ground of patentability is asserted for claims 36 and 37 at this time.

The §103 rejections:

I. Claims 1, 2, 4 to 16 and 27 to 30 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Ejzak U.S. Patent Application Publication 2003/0027569 (hereafter Ejzak) in view of Sawada U.S. Patent 6,735,619 (hereafter (“Sawada”).

(While Applicants are responding to the rejections of the claims, Applicants are not admitting that Ejzak is prior art as Applicants may be able to antedate Ejzak. Applicants are reserving the right to antedate Ejzak at a later time but do not believe that is necessary as Ejzak is not relevant to Applicants’ claims.)

It is submitted that the Examiner has failed to state a *prima facie* case of obviousness.

Ejzak is concerned with enabling home control of services for mobile devices.

“In particular, the architecture of the present invention enables home control of all services – whereby the IMS provides feature and service control from the home network rather than the serving network – to be available for all circuit-switched services.”
(paragraph [0009], lines 1-5 of Ejzak).

There is nothing in Ejzak to suggest in any way that the teachings therein are applicable to control of services at a home network. Sawada is concerned with providing a home network gateway apparatus to control home network devices connected to an IEEE 1394 bus in a unified manner in a household. The combined references are not concerned with the enabling of remote control of services at a residential network without the necessity of a service provider.

Regarding claim 1, it is submitted that the combination of Ejzak and Sawada fails to teach every step of Applicants’ invention. The Examiner alleges that Ejzak teaches a service interaction method for a user to interact with at least one remote service accessible through a data distribution network. It is noted that the Examiner did not say that Ejzak discloses a home data

distribution network because there is nothing in Ejzak to suggest that there is interaction of any service through a home data distribution network as claimed by Applicants. The Examiner further alleges that Ejzak discloses enabling remote control services at a residential network without the necessity of a service provider and points to paragraphs [0022, 0024, 0032] for support of this position. There is nothing in Ejzak to support this statement by the Examiner since Ejzak does not remotely control any services at a residential network. As Applicants explained above, Ejzak enables home control of services for mobile devices but there is nothing in Ejzak to suggest “remote control of services at a residential network” as claimed by Applicants. Nor is there any suggestion of “said user connecting to a serving entity attached to said home data distribution network using a client device” as claimed by Applicants. It is thus submitted that Ejzak is insufficient as a primary reference.

Sawada may teach other steps of Applicants’ method but fails to supply the deficiencies of Ejzak. Thus, the combination of Ejzak of Sawada fails to teach each and every limitation of Applicants’ claim 1.

Moreover, it is submitted that there would be undue experimentation required to combine Ejzak and Sawada since these references are directed to two entirely different inventions. In particular, Ejzak is directed to enabling home control of services for mobile devices. There is no interacting, such as enabling of remote control of services at a residential network, between the computer and wireless telephone. Accordingly, protocols would have to be selected in order to make the interacting possible. This is not taught by Ejzak. Similarly, Sawada is simply directed to monitoring of devices through a computer on the WWW. Other protocols would have to be selected in order to allow connection to a cellular device through a PSTN network. These protocols also are not taught. So, it must be concluded that Hefter and Sawada can only be combined with undue experimentation or by using the teaching of Applicants’ inventions. Either of these mandates the patentability of Applicants’ claim 1.

Inasmuch as claims 2 and 4 to 16 depend from claim 1, and since claim 1 is believed to be patentable, then claims 2 and 4 to 16 should be patentable as well.

In addition, claims 5 and 8 are submitted to be independently patentable.

Claim 5 recites “wherein the step of viewing is performed employing a viewing device collocated with said client device”. The client device is the client device in claim 1 attached to a wireless, circuit-switched, voice telephony network. The Examiner’s reference to Sawada (col. 4, lines 47-48) is misplaced. The terminals in Sawada which apparently have a viewing device are not the same as the client device in claim 5 since the client device in claim 5 is attached to a wireless, circuit-switched, voice telephony network which is different from the terminals in Sawada. Thus the combination of Ejzak and Sawada cannot render Applicants’ claim 5 obvious.

Claim 8 recites “wherein the step of viewing is performed employing a web-browser and the serving entity is a web-server”. Sawada does disclose a web-browser and a web-server. However, since claim 8 depends from claims 5 and 1, reading these claims together requires the web-browser collocated with the client device wherein the client device is attached to a wireless, circuit-switched, voice telephony network. In the case of Sawada, the web-browser is at a terminal and not collocated with the client device. Therefore, the combination of Ejzak and Sawada cannot render Applicants’ claim 8 obvious.

Claims 27 to 30 are allowable for the same reasons advanced in favor of claim 1. With particular reference to claim 29, claim 29 recites “user connecting means for said user connecting to a serving entity using a client device attached to a wireless, circuit-switched, voice telephony network, said user connecting means employing only one of a cellular voice network and a PSTN, and enabling remote control of services at a residential network without the necessity of a service provider;”. There is no combination of Ejzak and Sawada that can teach this aspect of Applicants’ claim 29 wherein Applicants’ client device attached to a wireless telephony network enables remote control of services at a residential network since: (1) Ejzak only teaches the enabling of home control of services for mobile devices but does not teach enabling remote control of services at a residential network and (2) Sawada only teaches remote control residential services by a computer.

II. Claims 3 and 38 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Ejzak in view of Sawada and further in view of Kawasaki et al. U.S. Patent 6,735,619.

Inasmuch as claims 3 and 38 depend from claim 1, and since claim 1 is believed to be patentable, then claims 3 and 38 should be patentable as well. No independent ground of patentability is asserted for claims 3 and 38 at this time.

III. Claims 17 to 22 have been rejected by the Examiner Examiner under 35 USC §103(a) as being unpatentable over Ejzak in view of Sawada and further in view of Kawasaki et al. U.S. Patent 6,988,070.

Inasmuch as claims 17 to 22 depend from claim 1, and since claim 1 is believed to be patentable, then claims 17 to 22 should be patentable as well. No independent ground of patentability is asserted for claims 17 to 22 at this time.

IV. Claims 23 and 24 have been rejected by the Examiner Examiner under 35 USC §103(a) as being unpatentable over Ejzak in view of Sawada and further in view of Smart Antenttas for wireless communications to Liberti et al.

Inasmuch as claims 23 and 24 depend from claim 1, and since claim 1 is believed to be patentable, then claims 23 and 24 should be patentable as well. No independent ground of patentability is asserted for claims 23 and 24 at this time.

V. Claims 25 and 26 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Ejzak in view of Sawada and further in view of Hefter.

Inasmuch as claims 25 and 26 depend from claim 1, and since claim 1 is believed to be patentable, then claims 25 and 26 should be patentable as well. No independent ground of patentability is asserted for claims 25 and 26 at this time.

VI. Claims 32 to 35 and 39 have been rejected by the Examiner under 35 USC §103(a) as being unpatentable over Hefter in view of Sawada.

Inasmuch as claims 32 to 35 and 39 depend from claim 31, and since claim 31 is believed to be patentable, then claims 32 to 35 and 39 should be patentable as well.

In addition, claim 33 is submitted to be independently patentable. Claim 33 recites “wherein said data sent to the client device are displayed and viewed by the browser application in the client device”. Sawada does disclose a web-browser and a web-server. However, Applicants’ claim 33 requires the browser application is in the client device wherein the client device is attached to a wireless, circuit-switched, voice telephony network. In the case of Sawada, the web-browser is at a terminal and not in the client device as defined and claimed by Applicants. Therefore, the combination of Hefter and Sawada cannot render Applicants’ claim 33 obvious.

In the Examiner’s remarks, the Examiner gave no weight to the limitations in Applicants’ claim 33 because it was not a structural limitation. Applicants respectfully disagree with the Examiner. Claim 33 recites “wherein said data sent to the client device are displayed and viewed by the browser application in the client device” [emphasis added]. It is clearly stated that the browser application is in the client device, with the client device attached to a wireless, circuit-switched, voice telephony network. There is no combination of Hefter and Sawada that can meet this limitation.

Summary:

In view of all of the preceding remarks, it is submitted that all of claims 1 to 39 are in condition for allowance. Further action with respect to the present application is earnestly solicited.

Respectfully submitted,
Chatschik Bisdikian et al.

By: / Ira D Blecker /
Ira D. Blecker
Registration No. 29,894

Law Offices of Ira D. Blecker, P.C.
206 Kingwood Park
Poughkeepsie, New York 12601
Telephone: 845-849-3686
Facsimile: 845-849-3688